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Pro Se Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

ALLAN MILLER

Plaintiff,

vs.

HFN, INC., a Delaware Corporation, d/b/a as  
NANOHEAL BY HFN INC.,  
KALAARI CAPITAL ADVISORS  
PRIVATE LIMITED, an Indian Company,  
SRIDHAR SANTHANAM,  
KUMAR SHIRALAGI, PAVAN VAISH,  
and VANI KOLA

Defendants.

Case Number: 2:23-cv-00733-CMR

**PLAINTIFF'S MOTION TO EXTEND  
TIME TO RESPOND TO  
DEFENDANT'S MOTION TO EXTEND  
TIME TO RESPOND TO FIRST  
AMENDED COMPLAINT**

## **INTRODUCTION**

Defendants Kalaari Capital Advisors Private Limited, Sridhar Santhanam, Pavan Vaish, and Vani Kola (“Defendants”) have filed a motion with this Court (“Motion”, dkt. 37) to extend the alleged time for an alleged response to the Plaintiff’s First Amended Complaint (“FAC”, dkt. 13), through attorneys (“Attorneys”) allegedly appearing on their behalf.

The Motion contains numerous misleading and incorrect statements and omissions about the Plaintiff’s intentions, the communications between the Plaintiff and the Attorneys, and the current status of the Defendants. It is important for the Plaintiff to respond and clear up these errors in order for the Court to be fully briefed before proceeding with the case.

The Defendants filed their motion shortly after the Plaintiff had undergone eye surgery and was recovering under medical supervision. The Plaintiff mistakenly understood that the time to respond to the Motion was 28 days after the filing of the Motion, which would have given the Plaintiff sufficient time to respond. In speaking with a staff member of the Court, the Plaintiff discovered that the time to respond to the Motion was instead 14 days after the filing of the Motion,<sup>1</sup> which was in the middle of the recovery period for the surgery.

The Plaintiff requests the Court for an Order extending the deadline for the Plaintiff to respond to the Motion to 28 days after the filing of the Motion. The Plaintiff seeks this relief pursuant to Federal Rule of Civil Procedure 6(b)(1)(B) and Utah Local Civil Rule 7-1(a)(2).

## **RELEVANT TIMES**

The Plaintiff’s surgery was on March 4, 2024. The Plaintiff’s ophthalmologist recommended limiting physical activity and extra obligations to a minimum for one month until April 4, 2024, after the one-month post-operative evaluation. See Exhibit 1 (slightly redacted to avoid revealing medical details).

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<sup>1</sup> The Plaintiff would like to thank the staff member, who was extremely pleasant and helpful. The Plaintiff now has a much clearer understanding of the timing of motions, which will carry forward in this proceeding.

The Defendants filed their Motion on March 19, 2024. The Plaintiff mistakenly believed that the opposition response was due on April 16, 2024, 28 days after the filing of the Motion. While this deadline somewhat curtailed the time available to prepare a response, the Plaintiff was comfortable that he would have sufficient time. However, the opposition response was actually due on April 2, 2024, 2 days before the one-month post-operative evaluation.

### **CONCLUSION**

The Plaintiff has acted in good faith at all times. The Court can extend the time for the Plaintiff to respond to the Motion as a result of the Plaintiff's failure to respond because of excusable neglect, and substantial justice will be afforded by this extension. The Plaintiff is requesting only a two-week extension to match his original understanding of the time to respond, which will not cause any undue hardship to the Court or the Defendants.

The Court should grant this motion and extend the time for the Plaintiff's response to the Defendants' Motion to April 16, 2024.

Date: April 9, 2024

By: /s/ Allan A. Miller  
Allan Miller  
Plaintiff (Pro se)

# EXHIBIT 1

# AFTER VISIT SUMMARY



Allan A. Miller

3/5/2024 2:50 PM Palo Alto Ophthalmology 650-853-2974

## Today's Visit

You saw Jason William Much, MD on Tuesday March 5, 2024. The following issue was addressed: Postoperative care for [REDACTED].

## What's Next

MAR  
14  
2024

Post-Op with Jason William Much, MD  
Thursday March 14 11:40 AM (Arrive by 11:25 AM)

Palo Alto Ophthalmology  
795 El Camino Real  
PALO ALTO CA 94301  
650-853-2974

APR  
4  
2024

Post-Op with Jason William Much, MD  
Thursday April 4 2:10 PM (Arrive by 1:55 PM)

Palo Alto Ophthalmology  
795 El Camino Real  
PALO ALTO CA 94301  
650-853-2974

APR  
5  
2024

Complete Eye Exam with Shirley Sau Yee Yu, OD  
Friday April 5 1:00 PM (Arrive by 12:45 PM)

Palo Alto Optometry  
795 EL CAMINO REAL  
PALO ALTO CA 94301  
650-853-2974

Vision Insurance Information:

We do not contract with some vision plans. Please confirm your vision insurance and participating providers prior to your visit.

We would like to provide details regarding your upcoming visit.  
Please be prepared that the appointment may last up to 1.5-2 hours.

- Arrive 15 minutes early for your appointment
- Your eyes may be dilated during your exam which will cause light sensitivity and blurred vision for reading, lasting 4-6 hours. Most patients may be able to drive after the visit, but if you do not feel comfortable driving after the visit, please arrange for someone to drive you home.
- Bring any eye drops that you are currently using.
- Bring your current prescription glasses and sunglasses.
- Additional testing may be needed as recommended by your provider.
- Please notify the clinic at least 24 hours prior to your appointment if you need to cancel.
- For keratoconus, please schedule on extended time by calling your eye department
- If you wear contacts, please wear them into your appointment and bring the contact lens prescription with you to the appointment.

Thank you for scheduling in the Eye department. We look forward to seeing you.

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF UTAH, CENTRAL DIVISION**

ALLAN MILLER,

Plaintiff,

v.

HFN, INC., a Delaware Corporation, d/b/a  
NANOHEAL BY HFN INC., KALAARI  
CAPITAL ADVISORS PRIVATE LIMITED, an  
Indian Company, SRIDHAR SANTHANAM,  
KUMAR SHIRALAGI, PAVAN VAISH, and  
VANI KOLA,

Defendants.

**ORDER GRANTING MOTION BY  
PLAINTIFF ALLAN MILLER TO  
EXTEND TIME TO RESPOND TO  
DEFENDANT’S MOTION TO  
EXTEND TIME TO RESPOND TO  
FIRST AMENDED COMPLAINT**

Case No. 2:23-CV-00733-CMR

Magistrate Judge Cecilia M. Romero

Before the Court is a Motion (“Motion”) by Plaintiff Allan Miller (“Plaintiff”) to extend the time to respond to Defendants Kalaari Capital Advisors Private Limited, Sridhar Santhanam, Pavan Vaish, and Vani Kola (“Defendants”) motion to extend time to respond to the First Amended Complaint (“FAC”) to April 16, 2024.

Having considered the Motion and for good cause appearing, the Court GRANTS the Motion and ORDERS as follows:

- Plaintiff’s deadline to file an Opposition to the Motion shall be April 16, 2024.

SO ORDERED this \_\_\_\_ day of April, 2024

BY THE COURT:

\_\_\_\_\_  
Cecilia M. Romero  
United States Magistrate Judge

Certificate of Service

I certify that Plaintiff Allan Miller:

1. has registered for Email Filing and Electronic Notification pursuant to DUCivR 5-1(b)(1)(A);
2. has verified that the above document meets the requirements outlined in DUCivR 5-1(b)(1)(A);
3. has filed this document electronically through email to utdecf\_clerk@utd.uscourts.gov; and
4. has served all non-ECF parties by an acceptable means pursuant to DUCivR 5-1(b)(1)(A)(ii)(g).

Accordingly, the document will be served upon all ECF parties through the Court's ECF system.

Date: April 9, 2024

Signature: /s/ Allan A. Miller

Printed name: Allan A. Miller